

REMARKS

For the convenience of the Examiner set forth below is a recapitulation of the current status of the Claims in the present Application.

CLAIM	STATUS	DEPENDENCY
1	Currently amended	Independent
2	Currently amended	1
3	Currently amended	1
4	Currently amended	1
5	Currently amended	1
6	Original	5
7	Currently amended	5
8	Currently amended	5
9	Cancelled	-
10	Cancelled	-
11	New	1

Comments of Primary Examiner James G. SMITH have been reviewed carefully along with pertinent sections of the Patent Act, Patent Rules, the Manual of Patent Examining Procedure, legal treatises and relevant decisional law. In accordance with Primary Examiner SMITH's requirements, favorable reconsideration of the Application, as amended, is solicited earnestly.

The Examiner has objected to the Specification stating that in lines 23 - 25 the Specification states that the wall of the controller moves when it would be the wall of the arched recess that moves away from the claw.

Reconsideration is requested on the basis that lines 21 - 25 of the specification and continuing on page 6 states:

Figure 4 shows the anti-gridlock wrench **1** in a position where the handle **10** should drive the annular gear **20** only clockwise, i.e., the handle **10** should not drive the annular gear counterclockwise. When the handle **10** is pivoted counterclockwise as indicated by means of an arrowhead in Figure 4, the wall of the arched recess **43** is moved from the upper claw **31** so as to allow disengagement of the toothed face **33** of the upper claw **31** from the toothed face **22** of the annular gear **20**.

The Specification, as filed, is already in accordance with the Examiner's requirements.

Claims 1 - 7 and 9 - 10 have been amended to remove grammatical and idiomatic errors in accordance with the Examiner's comments and also to provide proper antecedent basis for "the annular gear" in Claim 1. The Claims have also been amended to remove method steps in accordance with the Examiner's comments regarding method steps.

Claim 11 has been added to provide proper antecedent basis. No new matter has been added.

The Examiner has noted that Claims 9 and 10 are not supported by the Specification or drawings.

Claims 9 and 10 have been cancelled.

Claims 1 - 10 have been provisionally rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over Claims 1, 2 and 4 - 10 of co-pending Application No. 10/454,196 in view of Chen 6,691,594 B2. Reconsideration is requested on the following basis.

The present Application uses a second rod 35 to serve two functions. The second rods 35 secure the spring 32. However, as shown in **FIGURE 5** and as described on sheet 5, second paragraph the ends of the second rods 35 impinge on each other thereby ensuring that the toothed face 33 of the upper claw 31 will not stick to the toothed face 22 of the annular gear 20 due to dirt, grease or rust, thereby ensuring smooth operation of the apparatus according to the present invention.

The structural feature of the new impinging second rods 35 is not shown or suggested in the Chen reference and therefore the Chen reference is not considered to be appropriate.

Claims 1 - 7 and 10 have been rejected under 35 USC 103(2) as being unpatentable over Chen 6,691,594 in view of Arnold, et al. 5,178,047 and Lin (442 or 825).

The Examiner has stated:

“Chen shows the claimed invention to except for the use of a channel extending from the circular space to the pothole to allow for easier access of the claws when assembling the tool and the use of “second rods” to aid in securing the spring and preventing “grid lock” of the claws. Arnold, et al. suggests that a ratchet wrench can have a “channel” between the circular space containing the gear and the pothole containing the clutch and claws and therefore allows for easier assembly of the tool elements. It would therefore be obvious to one skilled in the art at the time the invention was made to modify Chen by using a channel in the head because Arnold, et al. suggests the use of such a channel for the purpose stated by applicant, i.e. to allow for easier assembly of the tool.

Further, Lin (442 or 825) suggest that one manner of securing the spring between the claws in the use of “second rods” and that these rods also prevent “grid lock” of the claws. It would therefore be obvious to one skilled in the art at the time the invention was made to modify Chen by using second rods on the claws to secure the spring and prevent “grid lock” of the claws because either Lin (442 or 825) suggest the use of such second rods for the purpose of preventing “grid lock” of the claws and securing the spring.”

Review of the Arnold, et. al. patent does not reveal a channel or a structure that is in any way comparable to the channel shown in the present invention.

Arnold, et al. shows a first cavity **18** and a second cavity **19**. The first and second cavities **18, 19** intersect, with each cavity forming only a portion of a circle. There is thus only a configuration with two intersecting cavities in Arnold, et. al. and there is no channel as suggested by the Examiner.

The present invention provides a channel or narrow passage having linear extent between two circular apertures.

The present Application specifically states on page 4, lines 3 - 6 that "The space **12** is in the form of a large circle. The pothole **13** is in the form of a small circle not overlapping the large circle. The space **12** is communicated with the pothole **13** through a channel **13**. Reconsideration of the rejection of Claims 1 - 7 is requested.

Lin (442 or 825) show the ends of the springs secured by rods and suggests that the device prevents the sticking of the claws. Lin however has only a single claw which is not pivotally mounted on pins such as the pins **34** of the present invention. In Lin the claw **55** has a translating or shifting motion as shown by the broken lines in **FIGURE 4**. In the present invention the claws are mounted on pins and therefrom have a pivoting and not a translating motion.

Claim 8 has been rejected under 35 USC 103(2) as being unpatentable over Chen in view of Arnold, et. al. and Lin (442 or 825) and further in view of Lack 4,561,329. The rejection of Claim 8 is based on the use of a resilient ring in back to attached a controller.

Claim 8 has been amended to specify the incorporation of an arched recess on the controller.

The arched recess 43 has been shown in the Drawings and described in the Specification. This feature in combination with the claimed features of the controller is not shown nor described in any of the cited references. Claim 8 as amended is believed to be patentable. No new matter has been added.

The status of the Claims is as follows:

- Claims 9 - 10 have been cancelled.
- Claims 1 - 5 and 7 - 8 are currently amended.
- Claim 6 is original.
- Claim 11 is new.

A Petition for a one (1) month extension in time for response to the Office Action dated August 30, 2004 to and including December 30, 2004 and a check in the amount of Fifty Five Dollars (\$55.00) covering the Petition fee are enclosed.

In view of the foregoing amendments, submissions and explanations, it is believed that Claims 1 - 8 and 11 are in condition for allowance. An early Notice of Allowance on the Application will be appreciated.

Courtesy, cooperation and skill of Primary Examiner James G. SMITH are appreciated and acknowledged.

Respectfully,

BY: Charles E. Baxley
CHARLES E. BAXLEY
Attorney of Record
USPTO Reg. 20,149
90 John Street - 3rd Floor
New York, New York 10038
Telephone : (212) 791-7200
Facsimile : (212) 791-7276
E-mail : ceb@hartbaxley.com

CEB:lcr/15029 B

Enclosures: Petition for Extension of Time Under 37 CFR 1.136(a); and
Check in the amount of Fifty Five Dollars (\$55.00).